

**Louisville Metro Council  
Final Agenda**

**METRO COUNCIL SUMMARY ONLY  
DETAILED MINUTES TO FOLLOW ON THE 3/12/09 COUNCIL AGENDA**

**Members Roll Call:**

(D) - Judy Green (1)	(D) - Barbara Shanklin (2)	(D) - Mary C. Woolridge (3)
(D) - David Tandy (4)	(D) - Cheri Bryant Hamilton (5)	(D) - George Unseld (6)
(R) - Kenneth C. Fleming (7)	(D) - Tom Owen (8)	(D) - Tina Ward-Pugh (9)
(D) - Jim King (10)	(R) - Kevin Kramer (11)	(D) - Rick Blackwell (12)
(D) - Vicki Welch (13)	(D) - Robert Henderson (14)	(D) - Marianne Butler (15)
(R) - Kelly Downard (16)	(R) - Glen Stuckel (17)	(R) - John Ackerson (18)
(R) - Hal Heiner (19)	(R) - Stuart Benson (20)	(D) - Dan Johnson (21)
(R) - Robin Engel (22)	(R) - James Peden (23)	(D) - Madonna Flood (24)EXA
(R) - Doug Hawkins (25)	(D) - Brent Ackerson (26)	

**Meeting Date:** 2/26/2009

**Meeting Time:** 6:00 PM

**Location:** 601 W. Jefferson Street  
3<sup>rd</sup> Floor, City Hall  
Louisville, KY 40202

**Pro-Tem:** Dan Johnson (21)

A Quorum was established

**Address to Council**

1- [List](#)

There were two addresses to the Council

2- **Introduction of Page: CW Green introduces Michael Romaine.**

**Guests: CW Hamilton introduced her guests, members of the Louisville Alumni Chapter of the Delta Sigma Theta Sorority  
Action Committee. CM Hawkins introduced his guests, Boy Scout Troop 377**

3- [Regular Council Minutes - February 12, 2009 and the Special Meeting of February 23, 2009](#)

Motion to Approve made by Mary C. Woolridge and seconded by Dan Johnson

The Council Minutes were approved as written

**Committee Minutes**

4- [Regular: Appropriations, NDFs and CIFs - February 19, 2009](#)

5- [Regular: Budget - February 18, 2009](#)

6- [Regular: Committee of the Whole - February 12, 2009](#)

7- [Regular: Committee on Committees - February 24, 2009](#)

- 8- [Regular: Contracts and Appointments - February 18, 2009](#)
- 9- [Regular: Health and Human Needs - February 18, 2009](#)
- 11- [Regular: Planning/Zoning, Land Design & Development - February 17, 2009](#)
- 12- [Regular: Public Safety - February 17, 2009](#)
- 13- [Regular: Transportation/Public Works - February 19, 2009](#)

Motion to Approve made by Mary C. Woolridge and seconded by Dan Johnson

The Committee Minutes were approved as written

### **Communication From Mayor**

- 14- [Appointments to Highview Fire District Board, Hazardous Materials Appeals & Overseers Board, Regional Airport Authority Board \(Louisville & Jefferson County Air Board\), and the Louisville Downtown Management District Board](#)

The Clerk read the Mayor's communications into the record. Those that require Council approval were assigned to Contracts and Appointments.

### **Consent Calendar:**

The Consent Calendar consists of items 15-21. The Clerk read them into the record

- 15- [O-23-02-09 AN ORDINANCE CLOSING A SECTION OF OLD HENRY FARM COURT FROM ITS SOUTHERN INTERSECTION WITH TERRA CROSSINGS BOULEVARD RUNNING SOUTHWESTERLY TO I-265, ALSO KNOWN AS THE GENE SNYDER FREEWAY, BEING AN IRREGULARLY-SHAPED PARCEL CONTAINING 1.011 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 11479\). \(7-15-09\) \(Ordinance 22, Series 2009\)](#)
- Status:** On Council Agenda - Consent Calendar  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen
- 16- [O-14-01-09 AN ORDINANCE AMENDING THE CORNERSTONE 2020 COMPREHENSIVE PLAN TO INCORPORATE THE EXECUTIVE SUMMARY OF THE RETAIL MARKET STUDY \(CASE NO. 11942\). \(6-18-09\) \(Ordinance 23, Series 2009\)](#)
- Status:** On Council Agenda - Consent Calendar  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen
- 17- [R-21-02-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE KENTUCKY DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \\$1,398,855 THROUGH THE CRIMINAL JUSTICE COMMISSION TO SUPPORT THE PURCHASE OF INTEROPERABLE COMMUNICATIONS AND PREPAREDNESS EQUIPMENT AND TRAINING FOR METROSAFE, LOUISVILLE METRO POLICE, LOUISVILLE FIRE AND LOUISVILLE METRO EMERGENCY MEDICAL SERVICES SPECIAL RESPONSE TEAMS. \(Resolution 25, Series 2009\)](#)
- Status:** On Council Agenda - Consent Calendar

**Committee:** Public Safety  
**Primary Sponsor:** Madonna Flood

18-

[R-22-02-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE KENTUCKY DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \\$10,000 THROUGH THE CRIMINAL JUSTICE COMMISSION TO SUPPORT PUBLIC SAFETY PERSONNEL EXPENSES INCURRED DURING METRO AREA CRITICAL INFRASTRUCTURE VULNERABILITY ASSESSMENTS.](#) **(Resolution 26, Series 2009)**

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Public Safety  
**Primary Sponsor:** Madonna Flood

19-

[R-23-02-09 A RESOLUTION RATIFYING A PERFORMANCE BOND FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CLERK.](#) **(Resolution 27, Series 2009)**

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Budget  
**Primary Sponsor:** David Tandy

20-

[AP021809DR APPOINTMENT OF DOUGLAS V. RECKTENWALD TO THE HAZARDOUS MATERIALS APPEALS & OVERSEERS BOARD.](#) **(Approved)**

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Contracts and Appointments

21-

[R-20-02-09 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ENTER INTO AGREEMENTS WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS CONCERNING TEN GRANTS DESCRIBED HEREIN.](#) **(Resolution 28, Series 2009)**

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Transportation/Public Works  
**Primary Sponsor:** Tom Owen

Motion to Approve made by James Peden and seconded by Robert Henderson

The Consent Calendar passed

VOTING RESULTS: For: 25; Against: 0; Abstain: 0; Absent: 1

For: Judy Green, David Tandy, Kenneth C. Fleming, Jim King, Vicki Aubrey Welch, Kelly Downard, Hal Heiner, Robin Engel, Doug Hawkins, Barbara Shanklin, Cheri Bryant Hamilton, Tom Owen, Kevin Kramer, Robert Henderson, Glen Stuckel, Stuart Benson, James Peden, Mary C. Woolridge, George Unseld, Tina Ward-Pugh, Rick Blackwell, Marianne Butler, Dan Johnson, Jon Ackerson, Brent Ackerson

Against: (None)

Abstain: (None)

Absent: Madonna Flood

### **Old Business:**

22-

[O-22-02-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 AND R-5 SINGLE-FAMILY RESIDENTIAL AND R-7, MULTI-FAMILY RESIDENTIAL TO C-1, COMMERCIAL ON PROPERTY LOCATED AT 4101 AND 4109 TAYLORSVILLE ROAD, CONTAINING A TOTAL OF 3.74 ACRES, OF WHICH 2.8 IS PROPOSED TO BE REZONED, AND BEING IN LOUISVILLE METRO \(CASE NO.](#)

[10863\). \(4-15-09\)](#) (Ordinance 24, Series 2009)

**Status:** On Council Agenda - Old Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

Motion to Approve made by Mary C. Woolridge and seconded by Robin Engel

The Ordinance passed.

VOTING RESULTS: For: 25; Against: 0; Abstain: 0; Absent: 1

For: Judy Green, David Tandy, Kenneth C. Fleming, Jim King, Vicki Aubrey Welch, Kelly Downard, Hal Heiner, Robin Engel, Doug Hawkins, Barbara Shanklin, Cheri Bryant Hamilton, Tom Owen, Kevin Kramer, Robert Henderson, Glen Stuckel, Stuart Benson, James Peden, Mary C. Woolridge, George Unseld, Tina Ward-Pugh, Rick Blackwell, Marianne Butler, Dan Johnson, Jon Ackerson, Brent Ackerson  
Against: (None)  
Abstain: (None)  
Absent: Madonna Flood

23-

[O-13-01-09 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO C-1, COMMERCIAL AND CHANGING THE FORM DISTRICT FROM NEIGHBORHOOD TO REGIONAL CENTER ON PROPERTY LOCATED AT 7805, 7807 AND 7911 BARDSTOWN ROAD, CONTAINING A TOTAL OF 12.5 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 10787\). \(AS AMENDED\) \(3-11-09\)](#) (Ordinance 25, Series 2009)

**Status:** On Council Agenda - Old Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

Motion to Approve made by Mary C. Woolridge and seconded by Marianne Butler

Motion to Amend by changing the acreage from 12.5 to 12.6 made by Tom Owen and seconded by Kelly Downard

The Floor Amendment passed.

The Ordinance as amended in Committee and on the Floor passed.

VOTING RESULTS: For: 24; Against: 1; Abstain: 0; Absent: 1

For: Judy Green, David Tandy, Kenneth C. Fleming, Jim King, Vicki Aubrey Welch, Kelly Downard, Hal Heiner, Robin Engel, Doug Hawkins, Barbara Shanklin, Cheri Bryant Hamilton, Tom Owen, Kevin Kramer, Robert Henderson, Glen Stuckel, Stuart Benson, James Peden, Mary C. Woolridge, George Unseld, Tina Ward-Pugh, Marianne Butler, Dan Johnson, Jon Ackerson, Brent Ackerson  
Against: Rick Blackwell  
Abstain: (None)  
Absent: Madonna Flood

24-

[O-214-11-08 AN ORDINANCE AMENDING CHAPTER 21 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES \[LMCO\] RELATING TO ETHICS \(AS AMENDED\).](#) (Sponsorship Withdrew, item died)

**Status:** On Council Agenda - Old Business  
**Committee:** Rules, Ethics, & Appointments  
**Primary Sponsor:** Kenneth C. Fleming

Kenneth C. Fleming withdrew his sponsorship of this Legislation, therefore it died and is longer before the Council for consideration

**New Business:**

The Clerk read the New Business and the respective Committee assignments into the record.

- 25- [R-26-02-09 A RESOLUTION DETERMINING TWO \(2\) VACANT PARCELS OF REAL PROPERTY LOCATED AT 1701 PORTLAND AVENUE AND 608 N. 17TH STREET OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT \("METRO GOVERNMENT"\) AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER.](#)
- Status:** On Council Agenda - New Business  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** Cheri Bryant Hamilton
- 26- [O-24-02-09 AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES \(LMCO\) SECTIONS 113.17, 113.22\(A\), AND 113.40\(D\) AND DELETING SECTIONS 113.55 AND 113.80 RELATING TO ALCOHOLIC BEVERAGES.](#)
- Status:** On Council Agenda - New Business  
**Committee:** Public Safety  
**Primary Sponsor:** Madonna Flood
- 27- [R-27-02-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT - \(JOHN ROLF EISINGER - \\$21,500.00\).](#)
- Status:** On Council Agenda - New Business  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Vicki Aubrey Welch
- 28- [R-29-02-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – UNIVERSITY OF LOUISVILLE RESEARCH FOUNDATION, INC. - \\$20,000.00.](#)
- Status:** On Council Agenda - New Business  
**Committee:** Contracts and Appointments  
**Primary Sponsor:** Judy Green
- 29- [O-25-02-09 AN ORDINANCE AMENDING ORDINANCE NO. 111 SERIES 2008, RELATING TO THE CAPITAL BUDGET FOR FISCAL YEAR 2008-09, FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \\$40,000 OF CAPITAL CUMULATIVE RESERVE FUNDS BETWEEN CAPITAL PROJECTS IN DISTRICT 13.](#)
- Status:** On Council Agenda - New Business  
**Committee:** Budget  
**Primary Sponsor:** Vicki Aubrey Welch
- 30- [O-28-02-09 AN ORDINANCE CHANGING THE ZONING FROM R-5 SINGLE-FAMILY RESIDENTIAL](#)

AND CM, COMMERCIAL MANUFACTURING TO C-2, COMMERCIAL ON PROPERTY LOCATED AT 571 PHILLIPS LANE, CONTAINING A TOTAL OF 2.05 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 10444).

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

31-

O-29-02-09 AN ORDINANCE AMENDING ORDINANCE NO. 112, SERIES 2008, RELATING TO THE FISCAL YEAR 2008-09 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING FUNDS FROM THE NEIGHBORHOOD DEVELOPMENT FUND (DISTRICT 1) TO THE METRO COUNCIL GENERAL OPERATIONS (DISTRICT 1).

**Status:** On Council Agenda - New Business  
**Committee:** Budget  
**Primary Sponsor:** Judy Green

32-

O-30-02-09 AN ORDINANCE APPROPRIATING A TOTAL OF \$9,300 FROM NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$5,000 FROM DISTRICT 13; \$1,000 EACH FROM DISTRICTS 12, 14, AND 24; \$500 EACH FROM DISTRICTS 15 AND 26; \$300 FROM DISTRICT 1, TO THE LOUISVILLE METRO PARKS DEPARTMENT FOR OPERATING EXPENSES FOR THE FOURTH ANNUAL BLUEGRASS FESTIVAL - FOREST FEST, TO BE HELD IN MAY 2009 AT THE JEFFERSON MEMORIAL FOREST.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsors:** Vicki Aubrey Welch  
Rick Blackwell  
Robert Henderson  
Marianne Butler  
Brent Ackerson  
Judy Green  
Madonna Flood

33-

O-31-02-09 AN ORDINANCE ADDING A NEW SECTION TO CHAPTER 94 OF THE LOUISVILLE METRO CODE OF ORDINANCES RELATED TO FIRE PREVENTION PROHIBITING THE SALE OF NOVELTY LIGHTERS IN LOUISVILLE METRO.

**Status:** On Council Agenda - New Business  
**Committee:** Public Safety  
**Primary Sponsor:** Mary C. Woolridge

34-

O-32- 02-09 AN ORDINANCE ENACTING A NEW SECTION OF CHAPTER 37 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES [LMCO] TO ESTABLISH LABOR STANDARDS FOR PUBLIC PROJECTS FUNDED WITH PUBLIC FUNDS OR PRIVATE ACTIVITY PROJECTS RECEIVING PUBLIC SUPPORT THROUGH THE USE OF PUBLIC FUNDS, TAX SUBSIDIES, TAX CREDITS, TAX REBATES, PUBLIC/PRIVATE PARTNERSHIPS, ACCESS TO PUBLIC ASSETS OR ASSISTANCE PROVIDED BY PUBLIC AGENCIES

**Status:** On Council Agenda - New Business  
**Committee:** Labor & Economic Development  
**Primary Sponsors:** Jim King  
Rick Blackwell

35-

[R-30-02-09 A RESOLUTION DIRECTING THE PLANNING COMMISSION, THROUGH THE DIVISION OF PLANNING AND DESIGN SERVICES, TO UNDERTAKE A STUDY OF THE AREA IN THE VICINITY OF THE BARDSTOWN ROAD/I-265 INTERCHANGE TO RESOLVE LONG RANGE LAND USE PLANNING AND TRANSPORTATION ISSUES.](#)

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsors:** Stuart Benson  
Robin Engel

36-

[O-33-02-09 AN ORDINANCE APPROPRIATING \\$6,000 FROM THE DISTRICT 19 NEIGHBORHOOD DEVELOPMENT FUND, TO LOUISVILLE METRO PUBLIC WORKS AND ASSETS TO MATCH THE FUNDS PROVIDED BY THE FOREST SPRINGS HOA TO INSTALL 6 SPEED HUMPS ON ROCK BAY DRIVE IN METRO COUNCIL DISTRICT 19.](#)

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Hal Heiner

37-

[O-34-02-09 AN ORDINANCE APPROPRIATING \\$10,000 FROM DISTRICT 6 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE INTERDENOMINATIONAL MINISTERIAL COALITION, INC. FOR EXPENSES ASSOCIATED WITH THE YOUTH CLEAN TEAM PROGRAM.](#)

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** George Unseld

## **ADJOURNMENT**

Motion to Adjourn made by Cheri Bryant Hamilton and seconded by Vicky Aubrey Welch. Without Objection the Council Meeting Adjourned at 6:58 P.M.

## **ANNOUNCEMENTS**

The following Council Members made announcements: CM Hamilton, CM Blackwell, and CM Owen.